

### **III. Remarks**

Claims 25-57 are pending herein.

Claims 11-24 have been canceled without prejudice or disclaimer, with claims 1-10 having been previously canceled.

Claims 25-57 have been added.

Reconsideration of this application in light of these amendments and the following remarks is respectfully requested.

#### **Rejections Under 35 U.S.C. §112**

##### **Claims 11-18**

Claims 11-18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11-18 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

#### **Rejections Under 35 U.S.C. §102(b)**

##### **Claims 11-16, 18, 19 and 21**

Claims 11-16, 18, 19 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,368,506 to Rapp ("Rapp"). Claims 11-16, 18, 19 and 21 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

##### **Claims 15, 17, 19 and 20**

Claims 15, 17, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,824,061 to Sumikama et al. ("Sumikama"). Claims 15, 17, 19 and 20 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

### **Rejections Under 35 U.S.C. §103(a)**

#### **Claims 22-24**

Claims 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp. Claims 22-24 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

### **New Claims**

#### **Independent Claim 25**

New claim 25 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 25 for the following reasons.

Claim 25 recites an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free state; and a second configuration in which the at least a portion of the first planar

surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member.

The PTO provides in MPEP §2131 that:

*"[t]o anticipate a claim, the reference must teach every element of the claim."*

Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 25, a reference must contain every element of claim 25 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 25, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free state; and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion

of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 25.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 25.

As the PTO recognizes in MPEP §2142:

*The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

The Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 25 for the following reasons.

35 U.S.C. §103(a) provides that:

*[a] patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains ... (emphasis added)*

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 25 is directed, as described above.

For the foregoing reasons, it is impossible to render the subject matter of claim 25 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie*

case of obviousness clearly cannot be met with respect to claim 25, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 25 under 35 U.S.C. §103(a).

The PTO also provides in MPEP §2142:

*[T]he examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. ...[I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.*

Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 25 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 25 is directed, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free state; and a second configuration in which the at least

a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 25 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 25 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

#### Independent Claim 32

New claim 32 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 32 for the following reasons.

Claim 32 recites an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; and a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend

through the second aperture of the first support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, and the second projection of the second support member extends through the second aperture of the first support member.

As noted above, a reference must teach every element of a claim to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 32, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; and a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, and the second projection of the second support member extends through the second aperture of the first support member.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 32.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 32 and the Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 32 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 32 is directed, as described above. Thus, it is impossible to render the subject matter of claim 32 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 32, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 32 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 32 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 32 is directed, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; and a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the



second planar surface defined by the second support member, and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, and the second projection of the second support member extends through the second aperture of the first support member.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 32 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 32 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

*Independent Claim 41*

New claim 41 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 41 for the following reasons.

Claim 41 recites an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly

comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free state; and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member; wherein the distal end portion of the first projection of the second support member is upwardly angled; wherein the first support member defines a third planar surface spaced in a parallel relation from the first planar surface defined by the first support member; and wherein, when the assembly is in its first configuration, at least a portion of the distal end portion of the first projection of the second support member is in flush contact with at least a portion of the third planar surface defined by the first support member.

As noted above, a reference must teach every element of a claim to anticipate the claim. Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 41, a reference must contain every element of claim 41 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 41, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second

support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free state; and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member; wherein the distal end portion of the first projection of the second support member is upwardly angled; wherein the first support member defines a third planar surface spaced in a parallel relation from the first planar surface defined by the first support member; and wherein, when the assembly is in its first configuration, at least a portion of the distal end portion of the first projection of the second support member is in flush contact with at least a portion of the third planar surface defined by the first support member.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 41.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 41 and the

Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 41 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 41 is directed, as described above. Thus, it is impossible to render the subject matter of claim 41 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 41, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 41 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 41 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 41 is directed, namely an assembly comprising a light fixture; a first support member connected to the light fixture, the first support member defining a first planar surface and comprising first and second apertures; a second support member adapted to be mounted to a vertical surface, the second support member defining a second planar surface and comprising a first projection comprising a distal end portion and extending from the second planar surface defined by the second support member and through the first aperture of the first support member, and a second projection extending from the second planar surface defined by the second support member and adapted to extend through the second aperture of the first support member; and a fastener adapted to engage the second projection of the second support member; wherein the assembly comprises a first configuration in which at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member, and the distal end portion of the first projection of the second support member engages the first support member to generally support the light fixture so that the light fixture is in a hands-free

state; and a second configuration in which the at least a portion of the first planar surface defined by the first support member is in flush contact with the at least a portion of the second planar surface defined by the second support member, the second projection of the second support member extends through the second aperture of the first support member, and the fastener engages the second projection of the second support member to generally maintain the flush contact between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member; wherein the distal end portion of the first projection of the second support member is upwardly angled; wherein the first support member defines a third planar surface spaced in a parallel relation from the first planar surface defined by the first support member; and wherein, when the assembly is in its first configuration, at least a portion of the distal end portion of the first projection of the second support member is in flush contact with at least a portion of the third planar surface defined by the first support member.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 41 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 41 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

#### Independent Claim 46

New claim 46 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 46 for the following reasons.

Claim 46 recites a method comprising connecting a first support member to a light fixture; mounting a second support member to a vertical surface; positioning the

first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

As noted above, a reference must teach every element of a claim to anticipate the claim. Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 46, a reference must contain every element of claim 46 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 46, namely a method comprising connecting a first support member to a light fixture; mounting a second support member to a vertical surface; positioning the first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 46.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 46 and the Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 46 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 46 is directed, as described above. Thus, it is impossible to render the subject matter of claim 46 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the

Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 46, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 46 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 46 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 46 is directed, namely a method comprising connecting a first support member to a light fixture; mounting a second support member to a vertical surface; positioning the first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 46 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 46 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

#### Independent Claim 51

New claim 51 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 51 for the following reasons.

Claim 51 recites a method comprising connecting a first support member to a light fixture, the first support member defining a first planar surface; mounting a second support member to a vertical surface, the second support member defining a second planar surface; positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; supporting the light fixture so that the light fixture is in a hands-free state, wherein supporting the light fixture so that the light fixture is in a hands-free state comprises placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support member; and maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member in response to positioning the first support member so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.



As noted above, a reference must teach every element of a claim to anticipate the claim. Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 51, a reference must contain every element of claim 51 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 51, namely a method comprising connecting a first support member to a light fixture, the first support member defining a first planar surface; mounting a second support member to a vertical surface, the second support member defining a second planar surface; positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; supporting the light fixture so that the light fixture is in a hands-free state, wherein supporting the light fixture so that the light fixture is in a hands-free state comprises placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support member; and maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member in response to positioning the first support member so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first

projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 51.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 51 and the Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 51 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 51 is directed, as described above. Thus, it is impossible to render the subject matter of claim 51 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 51, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 51 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 51 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 51 is directed, namely a method comprising connecting a first support member to a light fixture, the first support member defining a first planar surface; mounting a second support member to a vertical surface, the second support member defining a second planar surface; positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; supporting the light fixture so that the light fixture is in a hands-free state, wherein supporting the

light fixture so that the light fixture is in a hands-free state comprises placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support member; and maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member in response to positioning the first support member so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 51 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 51 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

Independent Claim 52

New claim 52 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 52 for the following reasons.

Claim 52 recites a system comprising means for connecting a first support member to a light fixture; means for mounting a second support member to a vertical surface; means for positioning the first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; means for placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and means for maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

As noted above, a reference must teach every element of a claim to anticipate the claim. Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 52, a reference must contain every element of claim 52 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 52, namely a system comprising means for connecting a first support member to a light fixture; means for mounting a second support member to a vertical surface; means for positioning the first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; means for placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and means for maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 52.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 52 and the Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 52 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 52 is directed, as described above. Thus, it is impossible to render the subject matter of claim 52 as a whole obvious based on Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 52, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 52 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 52 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 52 is directed, namely a system comprising means for connecting a first support member to a light fixture; means for mounting a second support member to a vertical surface; means for positioning the first support member so that at least a portion of a first planar surface defined by the first support member is angularly spaced from at least a portion of a second planar surface defined by the second support member; means for placing the at least a portion of the first planar surface in flush contact with the at least portion of the second planar surface; and means for maintaining the flush contact between the at least a portion of the first planar surface and the at least portion of the second planar surface.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 52 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 52 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

Independent Claim 57

New claim 57 distinguishes over the patents applied in the present Office action and is allowable for the following reasons.

Although some of the previous claims were rejected under 35 U.S.C. §102(b) as being anticipated by Rapp and/or Sumikama, these rejections are not applicable to claim 57 for the following reasons.

Claim 57 recites a system comprising means for connecting a first support member to a light fixture, the first support member defining a first planar surface; means for mounting a second support member to a vertical surface, the second support member defining a second planar surface; means for positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; means for supporting the light fixture so that the light fixture is in a hands-free state, wherein the means for supporting the light fixture so that the light fixture is in a hands-free state comprises means for placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; means for placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support

member; and means for maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member when the first support member is positioned so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.

As noted above, a reference must teach every element of a claim to anticipate the claim. Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claim 57, a reference must contain every element of claim 57 for the reference to anticipate the claim. However, neither Rapp nor Sumikama teaches, suggests or motivates the subject matter of claim 57, namely a system comprising means for connecting a first support member to a light fixture, the first support member defining a first planar surface; means for mounting a second support member to a vertical surface, the second support member defining a second planar surface; means for positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; means for supporting the light fixture so that the light fixture is in a hands-free state, wherein the means for supporting the light fixture so that the light fixture is in a hands-free state comprises means for placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an

aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; means for placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support member; and means for maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar surface defined by the second support member when the first support member is positioned so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.

As a result, the previous rejections based on 35 U.S.C. §102(b) cannot be supported by either Rapp or Sumikama as applied to claim 57.

Although some of the previous claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp, this rejection is not applicable to claim 57 and the Examiner clearly cannot establish a *prima facie* case of obviousness in connection with claim 57 for the following reasons.

As discussed above, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Rapp does not teach, suggest or motivate the subject matter to which claim 57 is directed, as described above. Thus, it is impossible to render the subject matter of claim 57 as a whole obvious based on



Rapp, and the above explicit terms of the statute cannot be met. As a result, the Examiner's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claim 57, and a rejection under 35 U.S.C. §103(a) is not applicable.

There is still another compelling, and mutually exclusive, reason why Rapp cannot be applied to reject claim 57 under 35 U.S.C. §103(a). Here, Rapp does not teach, suggest or motivate the desirability of the subject matter of claim 57 since Rapp does not teach, suggest or motivate the provision of the subject matter to which claim 57 is directed, namely a system comprising means for connecting a first support member to a light fixture, the first support member defining a first planar surface; means for mounting a second support member to a vertical surface, the second support member defining a second planar surface; means for positioning the first support member so that at least a portion of the first planar surface defined by the first support member is angularly spaced from at least a portion of the second planar surface defined by the second support member; means for supporting the light fixture so that the light fixture is in a hands-free state, wherein the means for supporting the light fixture so that the light fixture is in a hands-free state comprises means for placing at least a portion of an upwardly-angled distal end portion of a first projection extending from the second planar surface defined by the second support member and through an aperture in the first support member in flush contact with at least a portion of a third planar surface defined by the first support member and spaced in a parallel relation from the first planar surface defined by the first support member; means for placing the at least a portion of the first planar surface defined by the first support member in flush contact with the at least portion of the second planar surface defined by the second support member; and means for maintaining the flush contact between the at least a portion of the first planar surface defined by the first support member in flush contact and the at least portion of the second planar surface defined by the second support member; wherein a first angle is defined between the at least a portion of the first planar surface defined by the first support member and the at least a portion of the second planar

surface defined by the second support member when the first support member is positioned so that the at least a portion of the first planar surface defined by the first support member is angularly spaced from the at least a portion of the second planar surface defined by the second support member; wherein a second angle is defined between the upwardly-angled distal end portion of the first projection extending from the second planar surface defined by the second support member and through the aperture in the first support member and the at least a portion of the second planar surface defined by the second support member; and wherein the first and second angles are substantially equal.

Thus, Rapp does not provide any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art to support a rejection of claim 57 under 35 U.S.C. §103(a).

For the foregoing reasons, it is respectfully submitted that claim 57 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

*Dependent claims 26-31, 33-40, 42-45, 47-50 and 52-56*

New dependent claims 26-31, 33-40, 42-45, 47-50 and 52-56 depend from, and further limit, independent claims 25, 32, 41, 46 and 51, respectively, in a patentable sense and therefore are allowable as well.

### Conclusion

It is believed that all matters set forth in the present Office action have been addressed. Applicant has made a diligent effort to advance the prosecution of this application by canceling claims 11-24, adding claims 25-57 and submitting arguments in support of the patentability of claims 25-57.

In view of all of the above, the allowance of claims 25-57 is respectfully requested.

Unless stated otherwise, none of the amendment to the claims were made for reasons substantially related to the statutory requirements for patentability.

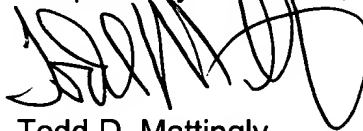
Furthermore, unless stated otherwise, the amendment to the claims were made to simply make express what had been implicit in the claims as originally worded and therefore is not a narrowing amendment that would create any type of prosecution history estoppel. In addition, to the extent that formerly dependent claims are now presented in independent form, such amendments do not constitute a narrowing amendment that surrenders any subject matter.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Dated: 9/2/05

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75212-3789  
Telephone: 713/547-2301  
IP Facsimile No. 214/200-0853  
File: 23667.82  
d1365091v1

Respectfully submitted,



Todd D. Mattingly  
Registration No. 40,298